

DAVIE AGRICULTURAL ADVISORY BOARD

JUNE 18, 2001

7:30 P.M.

1. ROLL CALL

The meeting was called to order at 7:30 p.m. Board members present were Chair Julie Aitken, Vice-Chair Jason Hurley, Delia Alonso and Barbara Spiece. Also present was Board Secretary Jenevia Edwards recording the meeting. Thaddeus Hamilton was absent.

2. APPROVAL OF MINUTES: May 23, 2001

Chair Aitken indicated that the word "develop" in the first paragraph under item 4, should be changed to "preserve".

Ms. Alonso made a motion, seconded by Mr. Hurley, to approve the minutes of May 23, 2001 with the correction. In a voice vote with Mr. Hamilton being absent, all voted in favor. (Motion carried 4-0)

3. DISCUSSION

3.1 Use of Board as Mediating Body in Disputes

3.3 Possibility of the Town Adopting Broward County's Criteria to Determine the Definition of a Farm

Chair Aitken indicated that with the creation of the Community Relations Advisory Board, disputes would fall under that Board's purview and commented that she believed the basis for the establishment of this Board was due to the treatment of minority residents by the police in District 1. Chair Aitken indicated that the Board could also handle disputes between farmers and staff and farmers and their neighbors. Ms. Alonso commented that this was a good idea.

Mr. Curtis explained that most boards were specific and the Community Relations Advisory Board was no different; however, it had not yet been defined as the Agricultural Advisory Board had been. Chair Aitken commented that by the next meeting, the Community Relations Advisory Board may decide not to act as mediators, in which case the idea could be presented at a future date. Ms. Spiece commented that the purpose of the Board would be best served as a small mediation entity to enforce the overall benefits of agriculture to staff. Ms. Spiece referred to this Board's recommendation for the deletion of Section 12-34(B) from the Town's Code, indicating that this had been placed on the next Council agenda for. The recommendation for the zoning in progress had also been placed on the Council agenda. Chair Aitken explained that prior to the items being placed on the Council agenda, she had made a presentation to Council at the June 6th meeting. She indicated that Councilmember Starkey had recommended that a workshop be held regarding rural preservation.

Chair Aitken inquired if the Board was in agreement with delaying the "mediating body" issue, and indicated that this Board was not authorized to attend the hearing panels. She commented that disputes were usually handled at a Special Master Hearing.

Ms. Spiece inquired how often the Farm Act was being utilized for planning and zoning purposes, with Chair Aitken responding that as long as Section 12-34(B) was still in the Town's Code, it happened often. Chair Aitken indicated that there were some members of staff who were still clinging to Section 12-34(B) which was in conflict with State law. Discussion continued regarding the illegitimate use of the Farm Act, with Ms. Spiece inquiring if there was a way for the Board to be notified when that law was being utilized for planning and zoning purposes. Chair Aitken indicated that if the Farm Act was utilized inappropriately, it would be damaging for legitimate farmers. She commented that she saw

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the Board as a general purpose mediating body and not as a specific one. Ms. Alonso indicated that she had no problem with passing mediating issues to the Community Relations Advisory Board as this Board had a "full plate". Chair Aitken commented that if there was no interest by that Board, the issue could be "revisited" in the future.

Discussion continued concerning questions from residents regarding farm issues, with Chair Aitken indicating that she believed that a general overview process was more appropriate than case by case. Chair Aitken indicated that if the Board became involved in dealing with the public, it would not be able to perform its other functions. She commented that Boardmembers were appointed by Council and their loyalty should be to Council as much as possible.

Chair Aitken indicated that developers were aware of the pending zoning in progress and builders may be informing residents that they did not need permits if they were a farm; however, the Farm Amendments definition of a farm was very broad. Renee Pardo inquired if it was possible to distribute literature that would assist residents in identifying whether or not they had a farm. Chair Aitken indicated that the Board could not go beyond the Town's ordinances. Discussion continued with Ms. Pardo commenting that she was not referring to ordinances, but to a point of reference. Chair Aitken commented that a point of reference would be the Board's interpretation and staff may have a different interpretation. She indicated that staff was holding to Broward County's recently passed ordinances and the County had specific criteria for determining a farm if it did not have agricultural classification; however, this could become a "double-edged sword."

Chair Aitken referred to the Agrarian Committee, stating that when the Committee was first formed, guidelines were requested from Property Appraiser William Markham for the County Commissioners to create guidelines to identify agricultural classifications that were not written in the law; however, the County Commissioners declined to provide these guidelines as it was felt that they would be used against farmers. She commented that Davie was more open than the County, and she feared that Davie's adoption of the County's criteria would place more definition than the Town had asked for. Mr. Hurley commented that it was important that the criteria be left open to interpretation and if a question arose, determination could be made before the courts if that was what was required.

Discussion continued regarding interpretation with Chair Aitken commenting that the Town's definition of a farm and agricultural uses indicated that the County was not in control. Chair Aitken explained that the purpose of the Board was to be beneficial to farmers, not detrimental, and agricultural qualifications were hard to define. Mr. Hurley commented that because of the enforcement mechanism in the Town, an individual would be placed in a difficult position to prove that they had a farm in order to be entitled to the necessary exemption. Chair Aitken responded that a similar situation existed with the Property Appraiser's Office and proving a farm would mean satisfying all their criteria, and the more details that were given, the harder it was to provide proof. She indicated that a "hobby farm" would also be entitled to the exemption but would need to be commercial for agricultural classification. A lengthy discussion ensued regarding the definition of a farm.

Mr. Hurley commented that it was not necessary to form a list of limiting criteria, because as things were "played out," the criteria would become more defined. Chair Aitken expressed the opinion that with an agricultural classification, each person should learn that if they were "real," they would need to state their case at a Special Master Hearing and provide

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proof. Mr. Hurley commented that he believed that if the Town and Council kept up the pressure, the situation would become less common. Chair Aitken commented that once Council deleted Section 12-34(B), one more avenue would be eliminated. She referred to the County's zoning ordinances and indicated that they were not under land development regulations and farms were exempt from all land development regulations; however, rezoning was set up separately.

Chair Aitken commented that items 3.1 and 3.3 were being discussed with the latter item being more straightforward as to whether or not the Town should adopt the County's criteria.

Mr. Hurley made a motion, seconded by Ms. Alonso, that the Town should not adopt the County's criteria to determine the definition of a farm. In a voice vote, with Mr. Hamilton being absent, all voted in favor. **(Motion carried 4-0)**

Discussion ensued regarding whether to seek assistance from the Community Relations Advisory Board on disputes. Chair Aitken commented that Mr. Curtis was a member of Community Relations Advisory Board and he would make the suggestion to the Board and if there was no interest, the item could be placed on the agenda for future discussion. Mr. Hurley commented that the Davie Agricultural Advisory Board could offer its assistance if the Community Relations Advisory Board was presented with a "case" that it could not handle. Mr. Curtis expressed the opinion that there would be a lot of public input on the Community Relations Advisory Board. Ms. Spiece commented that Chair Aitken should forward a short letter to the Community Relations Advisory Board indicating that the Davie Agricultural Advisory Board recognized it as a mediation board and would be supportive and would be willing to assist. She suggested that this letter should be sent to Councilmember Clark since that Board had not yet met and a chair had not yet been appointed for Community Relations Advisory Board.

Ms. Spiece made a motion, seconded by Ms. Alonso, to forward a letter to Councilmember Clark offering the Davie Agricultural Advisory Board's assistance to the Community Relations Advisory Board. In a voice vote, with Mr. Hamilton being absent, all voted in favor. **(Motion carried 4-0)**

3.2 Identification of Rural Areas and Suggest Regulations for Preservation

Chair Aitken indicated that there was no guarantee that the zoning in progress would be approved, but it was important to attempt to identify areas for rural preservation. She commented that whether or not this was approved, the Board should move forward with making regulations because whether the zoning in progress was not completed or completed in a limited manner, the mandate still required regulations that would ensure the preservation of rural equestrian lifestyle.

Ms. Alonso referred to the proposed Walgreens at Griffin Road and Davie Road Extension. She indicated that Walgreens had refused to accept any compromise and rejected all ideas presented by the Town. This resulted in the Community Redevelopment Agency and staff making an agreement to hire a site planner who would be commissioned to complete a sign including finished elevations and to make a full presentation that would comply with the corridor requirements. The Town would be responsible for these costs. She commented that by making this agreement, Walgreens had a guaranteed approval by Council

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as all the necessary requirements would be met. Ms. Alonso commented that the question was raised as to whether this was a wise investment for the Town and Mr. Kalis had explained that the plans would be owned by the Town; and if Walgreens proceeded with the project, the cost of the plans would have to be paid to the Town. She expressed the opinion that this would set a precedence for developers and Council and the Board would be able to present ideas and suggestions to ensure preservation of the rural character of the Town. Chair Aitken commented that if the Board presented ideas that were favorable to Council, developers would go along with the intent and these would be easier for Council to approve.

Discussion continued regarding rural preservation with Chair Aitken commenting that there were developers whose development would have a huge impact on the Town and its rural character. Ms. Spiece indicated that there were residents in Forest Ridge who believed that they were residing in a rural area and in questioning some of her neighbors, she was informed that the feeling came from how the Ridge was integrated into the community. She indicated that being able to go outside meant more than the construction of the home. Chair Aitken commented that Forest Ridge worked due to its location; however, more open space was not the idea. Ms. Spiece referred to tools that were available such as the Broward County Preservation and commented that the Board might be able to take advantage of services. Chair Aitken referred to the Charter Review Board and explained that the Board had had a very "tight" deadline. She commented that the Chair for that board had suggested that each member list their ideas and then have a discussion. Chair Aitken explained that if the idea worked for the Charter Review Board it should also work for this Board. She suggested that each Boardmember present a list of ideas at each meeting regarding the definition of rural character.

Following a lengthy discussion on rural preservation, the suggestions included creating more open space and connecting the trail system to connect various developments.

Ms. Pardo suggested that for any parcel that was more than ten acres, the developer should dedicate 10 percent to open space, to be used whether as a lake, wetlands with a boardwalk, or lease a portion of this property to be utilized as a country store, craft store or coffee shop. She further suggested that there should be no berms, walls or gatehouse with at least two entrances into the development. Ms. Pardo commented that because this area would be utilized by residents, maintenance would be shared by the homeowners association and the Town. Additionally, the profits acquired from the lease would be used for maintenance. Discussion continued regarding ownership of the land with Chair Aitken commenting that she believed that the coffee shop idea would be considered common area once all the homes were sold by the developer and was tax exempt. Ms. Alonso disagreed. Mr. Hurley explained that if the taxes was not paid, the property was sold at tax auction.

Chair Aitken indicated that if more sidewalks were provided to interconnect neighborhoods, they would be utilized by residents. She stated that this was one of the suggestions in "Rural by Design." Ms. Pardo commented that a developer with one hundred acres could not be informed that he would only be able to build one unit per acre. Chair Aitken understood that a developer with one hundred acres had to contain their own ground water to prevent it from running off to surrounding properties, so lakes or canals had to be built. She indicated that the developer, by acquiring land "high and dry" for the houses and to provide containment for the water meant that acreage was being sacrificed. Providing roads also had to be taken into account. Chair Aitken indicated that when all of the above

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was taken into consideration, a developer would only be able to place 85 homes on that one hundred acre property. She explained that a developer could not be given anything less than he was entitled; however, the Board could make recommendations to Council concerning the type of development not by the quantity.

Ms. Pardo suggested that a new zoning should be created called diversified zoning and an incentive should be provided to encourage the builder to “give up” 10% of the land. Chair Aitken indicated that Ms. Pardo’s idea would be considered cluster development which had been attempted previously by G.L. Homes. She explained that it would be difficult to get Council to agree.

Ms. Alonso commented that Weston and Parkland had been referred to as the perfect communities; however, she was of the opinion that Silver Lakes far surpassed them. She explained that each resident was forced to create a mitigation area whether or not the land had one. Ms. Alonso indicated that an ordinance was passed which allowed the developers to build in the area only if they agreed to the mitigation. She commented that a similar exercise was undertaken in Pembroke Pines and Miramar; however, more density was allowed in exchange for the mitigation.

Chair Aitken referred to “Rural by Design” and indicated that she understood true cluster development to mean that a developer with 100 acres could build 85 homes on 50 acres leaving the remainder with a contiguous open space to be utilized by the public.

Ms. Alonso indicated that in another section of Miramar, the mitigation was attempted by G.L. Homes; however, because of a lack of zoning enforcement in the area, this was not as attractive. Ms. Spiece asked who would be responsible for paying for the 50 acres of open space. Chair Aitken commented that both the homeowner’s association and the Town would share cost.

Chair Aitken referred to additional information retrieved from “Rural by Design” called neo-traditional developments. She explained the difference between cluster development and neo-traditional development. Chair Aitken commented that the design aspect of a neo-traditional home did not reflect rural character but small town character. She commented that it was important to define rural in order to see what would fit into rural characteristics of the Town. Ms. Alonso made reference to New York as being an inter-world city and Boston having a hometown feeling although it was a large city. Chair Aitken commented that there were developers who were building developments with rural character without it being a requirement because they made more money. She referred to enclosed porches with bigger back yards as being some of the design aspects of rural character.

A lengthy discussion followed regarding the changes in development design with Chair Aitken commenting that those changes meant the elimination of small-town character which lead to tract developments which destroyed communities. As a result of this, more space was needed to accommodate roads, parking lots and cars.

Chair Aitken commented that the design elements of older neighborhoods created a different type of community where people knew their neighbors. She referred to Weston and commented that because of the way in which the homes were built, most people did not know their neighbors. Ms. Spiece commented that she enjoyed the camaraderie with her neighbors. Chair Aitken indicated that there were many people who enjoyed having neighbors and commented that anyone who wanted what Weston had to offer should live there and those who wanted what Davie offered were welcome.

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Chair Aitken listed the following as agenda items for the upcoming meeting: (1) definition of "rural character" as it pertains to Davie; (2) negative traits of developer-built towns to avoid for future residential development of Davie; (3) continuation of suggesting ideas for rural preservation regulations; and (4) presentation to Council for first reading of ordinance deleting 12-34(B).

Ms. Pardo referred to the Charter amendments and inquired if there was a copy available as she wanted to see in writing exactly what residents had voted for. Chair Aitken commented that a workshop was proposed regarding rural preservation, but a date had not been set. She commented that if the zoning in progress was agreed upon at the workshop, first and second public readings would be held and this would take some time before the zoning in progress became final.

Chair Aitken commented that also to be discussed at the upcoming meeting was a proposed overlay district for the areas excluding all vacant R-1 land, excluding properties under five acres and properties already under development. She stated that properties already built should be protected from redevelopment. Chair Aitken pointed out the future land use designation on a map and reiterated that a recommendation should be made to Council for an overlay district which would cover developed areas such as Oakhill.

Discussion continued regarding the overlay district with Ms. Spiece commenting that all development should have sidewalks. She indicated that the idea of the Western Theme was that everything should be within walking distance. Chair Aitken commented that the Board's proposal was not to make the same mistake that was made with the Western Theme idea to make it untenable.

Ms. Pardo asked if the zoning in progress was not approved, whether or not the Board could still propose the overlay district. Chair Aitken responded in the affirmative.

4. OLD BUSINESS

There was no old business to discuss.

5. NEW BUSINESS

There was no new business to discuss.

6. COMMENTS AND/OR SUGGESTIONS

Ms. Pardo commented that an advocate was needed to assist the Board in making its presentations to Council in the appropriate manner. Chair Aitken explained that Council had acted quite favorably to her initial introduction of the zoning in progress. She indicated that Councilmember Starkey favored a workshop and Mayor Venis was in favor of moving forward quickly. Chair Aitken commented that Vice-Mayor Paul was in favor of the zoning in progress. She indicated that the Town's Counsel, Thomas Connick, was not in favor of the zoning in progress and cited possible legal repercussions. Chair Aitken commented that Mr. Connick had also argued against rural preservation proposal. She explained that she had read the Town's ordinances and found reference to a zoning in progress. However, the paragraph did not explain how this could be carried out only that it could be carried out. Additionally, the Florida Statutes stated that as long as a first and second public reading was held and proper notification was given, Council could move forward with the zoning in progress.

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Chair Aitken explained that she had completed research in both federal and state case law and noted extreme cases of governments that had “down zoned” someone from one house per 2 acres to one house per 20 acres. She noted that this action had taken place after site-plan. Chair Aitken explained that these cases were still being won by local government that had tremendous power because the health, welfare and well-being of the public was being considered. She indicated that she had written to Councilmember Truex who, as Chair of the Charter Review Board, had spoken strongly in favor of the amendment. She commented that she had suggested that Councilmember Truex conduct research so that Council would not have to rely solely on the opinion of Mr. Connick who appeared to be against the amendment. Chair Aitken indicated that Councilmember Truex had responded to her and had expressed his dismay at the length of time being taken to implement the amendment.

Chair Aitken commented that a workshop was proposed concerning rural preservation and she hoped that the Boardmembers would attend.

7. ADJOURNMENT

Ms. Alonso made a motion, seconded by Mr. Hurley, to adjourn. There being no objections, with Mr. Hamilton being absent, the meeting adjourned at 9:15 p.m.

Approved

Chair/Board Member